

MONTANA LEGISLATIVE HISTORY

Chapter 115 19 87

Bill H 214 S _____ Original bill & history ☒ C

H. Committee on Natural Resources

Hearing Date(s) Jan 22 ☒ C

Jan 27 ☒ C

_____ C

_____ C

Date Out _____ C

S. Committee on Business & Industry

Hearing Date(s) Mar 04 ☒ C

Mar 26 ☒ C

_____ C

_____ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

1997 LEGISLATIVE HISTORY

The 1997 Montana Legislature has dramatically changed the nature of the legislative minutes. Specifically, the minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are somewhat fuller in content. Exhibits available from the State Law Library (which may include written statements, attendant information, roll call votes, roll call attendance, a list of public members present, specific action taken on legislative bills, etc.) are included with this request. For information on other exhibits, contact the Montana Historical Society Archives at 444-4774. Exhibits may also be purchased on a CD-ROM from the Montana Legislative Council (444-3064).

Just as in the 1995 legislative session, the House and Senate hearings were recorded. The Historical Society is the depository for the tapes. For information on accessing the tapes, call the archives at 444-4774.

If you have concerns over the format of the 1997 legislative minutes, it is suggested that you contact your state legislators.

1/23	HEARING		
1/29	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/06	2ND READING PASSED AS AMENDED	63	37
2/08	3RD READING PASSED	58	38
	TRANSMITTED TO SENATE		
2/11	FIRST READING		
2/11	REFERRED TO FISH & GAME		
2/18	HEARING		
3/15	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/18	2ND READING CONCURRED	28	21
3/20	2ND READING CONCURRED AS AMENDED	32	17
3/21	3RD READING CONCURRED	32	17
	RETURNED TO HOUSE WITH AMENDMENTS		
4/23	2ND READING AMENDMENTS CONCURRED	72	24
4/23	3RD READING CONCURRED AS AMENDED	67	29
4/24	SIGNED BY SPEAKER		
4/24	SIGNED BY PRESIDENT		
4/25	TRANSMITTED TO GOVERNOR		
4/30	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 449		
	EFFECTIVE DATE: 04/30/97		

HB 213 INTRODUCED BY BRAINARD, ET AL. LC0139 DRAFTER: ERICKSON

ALLOW FOR A 2-YEAR REGISTRATION FOR BOATS, SNOWMOBILES,
OFF-HIGHWAY VEHICLES, AND CERTAIN MOTOR VEHICLES

1/10	INTRODUCED		
1/10	FIRST READING		
1/10	REFERRED TO TAXATION		
1/10	FISCAL NOTE REQUESTED		
1/15	REREFERRED TO TRANSPORTATION		
1/16	FISCAL NOTE RECEIVED		
1/18	FISCAL NOTE PRINTED		
1/29	HEARING		
2/03	TABLED IN COMMITTEE		
4/05	MISSED DEADLINE FOR 71ST DAY TRANSMITTAL		
	DIED IN COMMITTEE		

HB 214 INTRODUCED BY GRADY, ET AL. LC0852 DRAFTER: MITCHELL

REVISE THE FUNDING AND COST REIMBURSEMENT PROVISIONS OF THE
PETROLEUM TANK RELEASE COMPENSATION LAWS

1/10	INTRODUCED		
1/10	FIRST READING		
1/10	REFERRED TO NATURAL RESOURCES		
1/10	FISCAL NOTE REQUESTED		
1/16	FISCAL NOTE RECEIVED		
1/20	FISCAL NOTE PRINTED		
1/22	HEARING		
1/28	COMMITTEE REPORT—BILL PASSED		
1/29	2ND READING PASSED	61	39
1/30	3RD READING PASSED	60	40
	TRANSMITTED TO SENATE		
1/31	FIRST READING		
1/31	REFERRED TO BUSINESS & INDUSTRY		
3/04	HEARING		
3/07	COMMITTEE REPORT—BILL CONCURRED		
3/12	2ND READING CONCURRED	29	21
3/13	3RD READING CONCURRED	36	14

RETURNED TO HOUSE
 3/15 SIGNED BY SPEAKER
 3/15 SIGNED BY PRESIDENT
 3/17 TRANSMITTED TO GOVERNOR
 3/20 SIGNED BY GOVERNOR
 CHAPTER NUMBER 115
 EFFECTIVE DATE: 07/01/97

HB 215 INTRODUCED BY ORR, ET AL.

LC0913 DRAFTER: KURTZ

EXPAND THE DEFINITION OF POLICE DOG TO INCLUDE DOGS TRAINED FOR SEARCH AND RESCUE THAT ARE USED IN CONJUNCTION WITH OFFICIAL LAW ENFORCEMENT EFFORTS

1/10	INTRODUCED		
1/10	FIRST READING		
1/10	REFERRED TO JUDICIARY		
1/28	HEARING		
1/29	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/01	2ND READING PASSED AS AMENDED	91	6
2/04	3RD READING PASSED	93	5
	TRANSMITTED TO SENATE		
2/05	FIRST READING		
2/05	REFERRED TO JUDICIARY		
2/20	HEARING		
2/20	COMMITTEE REPORT—BILL CONCURRED		
3/06	2ND READING CONCURRED	50	0
3/07	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE		
3/12	SIGNED BY SPEAKER		
3/13	SIGNED BY PRESIDENT		
3/13	TRANSMITTED TO GOVERNOR		
3/17	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 63		
	EFFECTIVE DATE: 10/01/97		

HB 216 INTRODUCED BY HIBBARD, ET AL.

LC0544 DRAFTER: HEFFELFINGER

REDUCE THE YEARS REQUIRED FOR VESTING IN THE SHERIFFS' RETIREMENT SYSTEM

1/10	INTRODUCED		
1/10	FIRST READING		
1/10	REFERRED TO STATE ADMINISTRATION		
1/10	FISCAL NOTE REQUESTED		
1/17	FISCAL NOTE RECEIVED		
1/18	FISCAL NOTE PRINTED		
1/21	HEARING		
2/15	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/21	2ND READING PASSED	82	14
2/26	3RD READING PASSED	83	16
	TRANSMITTED TO SENATE		
3/03	FIRST READING		
3/03	REFERRED TO STATE ADMINISTRATION		
3/19	HEARING		
3/27	COMMITTEE REPORT—BILL CONCURRED		
4/04	2ND READING CONCURRED	49	1
4/05	3RD READING CONCURRED	47	3
	RETURNED TO HOUSE		
4/08	SIGNED BY SPEAKER		
4/10	SIGNED BY PRESIDENT		

1
2 INTRODUCED BY House BILL NO. 214
3 ORR

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE FUNDING AND COST REIMBURSEMENT
5 PROVISIONS OF THE PETROLEUM TANK RELEASE COMPENSATION LAWS; CLARIFYING AND IMPOSING
6 LIMITATIONS ON COST REIMBURSEMENT; AUTHORIZING LOANS BY THE BOARD OF INVESTMENTS TO
7 THE PETROLEUM TANK RELEASE COMPENSATION BOARD; PLEDGING THE PETROLEUM STORAGE TANK
8 CLEANUP FEES FOR LOAN REPAYMENT; AMENDING SECTIONS 75-11-307, 75-11-313, AND 75-11-318,
9 MCA; AND PROVIDING AN EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12
13 **NEW SECTION.** **Section 1. Loans to petroleum tank release compensation board.** (1) The board
14 of investments may loan funds to the petroleum tank release compensation board to cover temporary cash
15 shortfalls. The total of all loans may not exceed the greater of \$15 million or 80% of the fees that the office
16 of budget and program planning projects will be collected under 75-11-314 during the next 3 fiscal years.
17 A loan must be amortized, based on projected fee revenue, over a period of not more than 10 years.

18 (2) The board shall establish the interest rate on the loan, considering the security and the term
19 of the loan.

20
21 **Section 2.** Section 75-11-307, MCA, is amended to read:

22 **"75-11-307. Reimbursement for expenses caused by a release.** (1) Subject to the availability of
23 money from the fund under subsection (5), an owner or operator who is eligible under 75-11-308 and who
24 complies with 75-11-309 and any rules adopted to implement those sections must be reimbursed by the
25 board from the fund for the following eligible costs caused by a release from a petroleum storage tank:

26 (a) corrective action costs as required by a department-approved corrective action plan except if
27 the corrective action plan addresses releases of substances other than petroleum products from an eligible
28 petroleum storage tank, the board may reimburse only the costs that would have reasonably been incurred
29 if the only release at the site was the release of the petroleum or petroleum products from the eligible
30 petroleum storage tank; and

1 (b) compensation paid to third parties for bodily injury or property damage. The board may not
2 reimburse for property damage until the corrective action is completed.

3 (2) An owner or operator may not be reimbursed from the fund for the following expenses:

4 (a) corrective action costs or the costs of bodily injury or property damage paid to third parties that
5 are determined by the board to be ineligible for reimbursement;

6 (b) costs for bodily injury and property damage, other than corrective action costs, incurred by the
7 owner or operator;

8 (c) penalties or payments for damages incurred under actions by the department, board, or federal,
9 state, local, or tribal agencies or other government entities involving judicial or administrative enforcement
10 activities and related negotiations;

11 (d) attorney fees and legal costs of the owner, the operator, or a third party;

12 (e) costs for the repair or replacement of a tank or piping or costs of other materials, equipment,
13 or labor related to the operation, repair, or replacement of a tank or piping;

14 (f) expenses incurred before April 13, 1989, for owners or operators seeking reimbursement from
15 the petroleum tank release cleanup fund and expenses incurred before May 15, 1991, for owners or
16 operators seeking reimbursement from the petroleum tank release cleanup fund for a tank storing heating
17 oil for consumptive use on the premises where it is stored or for a farm or residential tank with a capacity
18 of 1,100 gallons or less that is used for storing motor fuel for noncommercial purposes;

19 (g) expenses exceeding the maximum reimbursements provided for in subsection (4); and

20 (h) expenses for work completed by or on behalf of the owner or operator more than 2 years prior
21 to the owner's or operator's request for reimbursement. This limitation does not apply to claims for
22 compensation paid to third parties for bodily injury or property damage.

23 (3) An owner or operator may designate a person as an agent to receive the reimbursement,
24 ~~provided that~~ if the owner or operator remains legally responsible for all costs and liabilities incurred as a
25 result of the release.

26 (4) Subject to the availability of funds under subsection (5):

27 (a) for releases eligible for reimbursement from the petroleum tank release cleanup fund that are
28 discovered and reported on or after April 13, 1989, from a tank storing heating oil for consumptive use on
29 the premises where it is stored or from a farm or residential tank with a capacity of 1,100 gallons or less
30 that is used for storing motor fuel for noncommercial purposes, the board shall reimburse an owner or

operator for:

(i) 50% of the first \$10,000 of eligible costs and 100% of subsequent eligible costs, up to a maximum total reimbursement of \$495,000:

(A) for single-walled tank system releases; and

(B) for double-walled tank system releases for which the release date was prior to October 1, 1993;

or

(ii) 100% of the eligible costs, up to a maximum total reimbursement of \$500,000, for properly designed and installed double-walled tank system accidental releases that were discovered and reported on or after October 1, 1993; and

(b) for all other releases eligible for reimbursement from the petroleum tank release cleanup fund that are discovered and reported on or after April 13, 1989, the board shall reimburse an owner or operator for:

(i) 50% of the first \$35,000 of eligible costs and 100% of subsequent eligible costs, up to a maximum total reimbursement of \$982,500:

(A) for single-walled tank system releases; and

(B) for double-walled tank system releases for which the release date was prior to October 1, 1993;

or

(ii) 100% of the eligible costs, up to a maximum total reimbursement of \$1 million, for properly designed and installed double-walled tank system accidental releases that were discovered and reported on or after October 1, 1993.

(5) If the fund does not contain sufficient money to pay approved claims for eligible costs, a reimbursement may not be made and the fund and the board are not liable for making any reimbursement for the costs at that time. When the fund contains sufficient money, eligible costs must be reimbursed subsequently in the order in which they were approved by the board."

Section 3. Section 75-11-313, MCA, is amended to read:

"75-11-313. Petroleum tank release cleanup fund. (1) There is a petroleum tank release cleanup fund in the state special revenue fund established in 17-2-102. The fund is administered as a revolving fund by the board and is statutorily appropriated, as provided in 17-7-502, for the purposes provided for under subsections (3)(b) and (3)(c). Administrative costs under subsection (3)(a) must be paid pursuant to a

1 legislative appropriation.

2 (2) There is deposited in the fund:

3 (a) all revenue from the petroleum storage tank cleanup fee as provided in 75-11-314;

4 (b) money received by the board in the form of gifts, grants, reimbursements, or appropriations,
5 from any source, intended to be used for the purposes of this fund;

6 (c) money appropriated or advanced to the fund by the legislature; ~~and~~

7 (d) money loaned to the board by the board of investments; and

8 ~~(d)~~(e) all interest earned on money in the fund.

9 (3) The fund may be used only:

10 (a) to administer this part, including payment of board and department expenses associated with
11 administration;

12 (b) to reimburse owners and operators for eligible costs caused by a release from a petroleum
13 storage tank and approved by the board; and

14 (c) for repayment of any advance made under subsection (4) and any loan made pursuant to
15 [section 1], plus interest earned on the advance or loan.

16 (4) (a) The legislature may appropriate to the fund repayable advances as necessary to carry out
17 the purposes of this part. The outstanding total of repayable advances may not exceed the amount that
18 the board estimates will be received by the fund from the petroleum storage tank cleanup fee during the
19 next 24 months.

20 (b) Advances to the fund must be repaid, and interest earned on advances must be paid to the
21 general fund when determined appropriate by the board. However, all advances to the fund plus the interest
22 earned must be repaid ~~on or before December 31, 1995~~ by the board within 24 months of receipt of the
23 advance.

24 (5) Whenever the board accepts a loan from the board of investments pursuant to [section 1], the
25 receipts from the fees provided for in 75-11-314 in each fiscal year until the loan is repaid are pledged and
26 dedicated for the repayment of the loan in an amount sufficient to meet the repayment obligation for that
27 fiscal year."

28
29 **Section 4.** Section 75-11-318, MCA, is amended to read:

30 **"75-11-318. Powers and duties of board.** (1) The board shall administer the petroleum tank release

1 cleanup fund in accordance with the provisions of this part, including the payment of reimbursement to
2 owners and operators.

3 (2) The board shall determine whether to approve reimbursement of eligible costs under the
4 provisions of 75-11-309(2), shall obligate money from the fund for approved costs, and shall act on
5 requests for the guarantee of payments through the procedures and criteria provided in 75-11-309.

6 (3) The board may conduct meetings, hold hearings, undertake legal action, and conduct other
7 business as may be necessary to administer its responsibilities under this part. The board shall meet at least
8 quarterly for the purpose of reviewing and approving claims for reimbursement from the fund and
9 conducting other business as necessary.

10 (4) The board may hire staff, and the department shall provide staff support to the board as the
11 department determines it is able. The board shall use the fund to pay its staff expenses, to pay for
12 department staff ~~utilized~~ used for the review or preparation of corrective action plans and for the oversight
13 of corrective action undertaken by owners and operators for the purposes of this part, and to pay for
14 department of transportation staff ~~utilized~~ used for the collection of the petroleum storage tank cleanup fee.

15 (5) The board shall adopt rules to administer this part, including:

16 (a) rules governing submission of claims by owners or operators to the department and board;

17 (b) procedures for determining owners or operators who are eligible for reimbursement and
18 determining the validity of claims;

19 (c) procedures for the review and approval of corrective action plans;

20 (d) procedures for conducting board meetings, hearings, and other business necessary for the
21 implementation of this part; and

22 (e) other rules necessary for the administration of this part.

23 (6) The board may apply for, accept, and repay loans from the board of investments pursuant to
24 [section 1]."

25
26 **NEW SECTION. Section 5. Nonimpairment by state.** In accordance with the constitutions of the
27 United States and the state of Montana, the state pledges that it may not in any way impair the obligations
28 of any loan agreement between the board and the board of investments by repealing the petroleum storage
29 tank cleanup fee imposed by 75-11-314 or by reducing it below the amount necessary to make annual loan
30 payments.

1 NEW SECTION. **Section 6. Codification instruction.** (1) [Section 1] is intended to be codified as
2 an integral part of Title 17, chapter 6, part 2, and the provisions of Title 17, chapter 6, part 2, apply to
3 [section 1].

4 (2) [Section 5] is intended to be codified as an integral part of Title 75, chapter 11, part 3, and the
5 provisions of Title 75, chapter 11, part 3, apply to [section 5].

6
7 NEW SECTION. **Section 7. Effective date.** [This act] is effective July 1, 1997.

8 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0214, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act revising the funding and cost reimbursement provisions of the petroleum tank release compensation laws; clarifying and imposing limitations on cost reimbursement; authorizing loans by the board of investments to the Petroleum Tank Release Compensation Board; pledging the petroleum storage tank cleanup fees for loan repayment.

ASSUMPTIONS:

1. The petroleum storage tank cleanup fee of \$.0075 a gallon will not increase.
2. EPA requires owners/operators of underground petroleum storage tanks to have at least \$1 million of financial assurance to cover corrective action and damage to third parties for bodily injury and property damage. Nearly all owners/operators in the state of Montana rely on the petroleum tank release cleanup fund (FUND) as a financial assurance mechanism. For the FUND to remain as an EPA approved financial assurance mechanism it must contain a balance of at least \$1 million.
3. Underground petroleum storage tanks are required to be upgraded or taken out of service by December 22, 1998. If an underground storage tank is not upgraded by December 22, 1998, it cannot be used and the owner must remove it from the ground or close it in place by December 22, 1999. There are approximately 7,000 petroleum storage tanks registered in Montana that have not been upgraded or taken out of service. Approximately 2,000 tanks will be abandoned leaving 5,000 tanks to be removed, replaced, or closed in place. To date 1,968 tanks have been upgraded or removed.
4. Historically each cleanup site has averaged 2.5 tanks; therefore, it is predicted that there are 1,213 potential cleanup sites. Approximately one third of these sites will seek assistance from the FUND for cleanup purposes due to contamination discovered during removal or closure, and these 400 sites will average \$28,000 per site for a total expense of \$11,200,000.
5. Most petroleum releases are discovered at the time of the upgrade, removal, or closure in place. Historically, reimbursement of corrective action costs are highest for the first three years following release discovery.
6. Based upon current revenue and expenditure trends, the FUND balance will continue to decline and will fall below \$1,000,000 late in fiscal 1999. In order to (1) protect the financial assurance mechanism required by EPA on behalf of tank owners/operators and (2) insure an adequate FUND balance that will allow for the timely processing of claims against the FUND, low interest loans through BOI, in lieu of a gas tax increase, will be necessary through at least fiscal year 2004.
7. It is anticipated that the first loan will be requested in May of 1999 based on monthly projections by DEQ for revenues, administrative costs, and reimbursements made to owners/operators. The projections of these expenses is based on an annual inflation rate of 1%. The Legislative Auditor's Office has affirmed the methodology of the projections for when the fund would drop below the \$1,000,000 balance. If the dollar amount of claims approved exceeds the estimated projections, the loan may be needed earlier. No loan repayments will be made in fiscal 1998 or fiscal 1999, based on the projected initial loan date of May 1999.
8. Loans will only be requested as required to keep the FUND balance above the \$1 million required by EPA and to continue to make reimbursements.
9. Loan amounts are figured using budgeted administrative costs and the projections for reimbursements to owners/operators of eligible petroleum storage tanks for eligible expenses. DEQ uses \$28,000 as the average site reimbursement amount. However, claim amounts vary greatly (to date the largest site reimbursement was \$761,351). A single large site could significantly change both the amount and the date of the loan. The best information available as of this date indicates that of the \$11,200,000 identified in Assumption #4 the minimum loan would be \$700,000 and the maximum would be \$4,800,000.

(Continued)

Dave Lewis 1-16-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

ED GRADY, PRIMARY SPONSOR DATE

Fiscal Note for HB0214, as introduced

HB 214

ASSUMPTIONS CONTINUED:

10. The loan interest rate is estimated at 6.250% based on past history of the BOI InterCap Revolving Program. The term of the loan is 10 years.
11. Loans may be necessary through fiscal year 2004. At that time, revenues are projected to exceed expenditures and the loans will be repaid at an accelerated rate.
12. There may be a savings to the FUND with the clarification of reimbursements made for corrective action and third party property damages; however, at this time the savings cannot be projected because the board is unable to predict which potential claims this may affect or the dollar amounts involved.
13. No additional revenues are anticipated by this legislation.

FISCAL IMPACT:

None this biennium.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Counties and cities use the FUND as a financial assurance mechanism. If this bill is passed there will be no effect on the state, county, city, or the public. Without the loan authorization, counties and cities, along with other petroleum storage tank owners/operators, would be required to obtain other financial assurance. That would result in increased expenditures to cities and counties.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The term of the loans is anticipated to be 10 years. The projections indicate revenues will exceed expenditures in fiscal year 2004. For purposes of illustration, if the board borrowed \$700,000 in May of 1999 and paid it back over the full ten years the interest expense at 6.25% would be \$251,929. If the board borrowed the current maximum projected of \$4,800,000 the interest expense for ten years at 6.25% interest would be \$1,727,513.

application for septic systems. Please get that information to the Committee Secretary tomorrow.}

{Tape: 2; Side: a; Approx. Time Count: 30.0, very end ; Comments: flipped tape at the very end.}

{Tape: 2; Side: b; Approx. Time Count: 0.1; Comments: none.}

Closing by Sponsor: Rep. Wes Prouse closed, he was unaware of the special rules or circumstances that DEQ could impose/intercede when an "individual" submits a request for an individual septic system and the parameters that bind DEQ when they evaluate/oversee "individual" requests. He would also like to see the proposed categories/rules that Jan Sensibaugh of DEQ read to the Committee which will be heard in a public hearing sometime in February.

{Tape: 2; Side: b; Approx. Time Count: 12.3; Comments: none.}

HEARING ON HB 214

Opening Statement by Sponsor: Rep. Ed Grady, HD 55

{Tape: 2; Side: b; Approx. Time Count: 17.7; Comments: none.}

Proponents' Testimony:

Jean Riley, Executive Director of the Petroleum Release Compensation Board (DTRCB)

{Tape: 2; Side: b; Approx. Time Count: 19.8; Comments: none.}

Denise Mills, Remediation Coordinator, Department of Environmental Quality

{Tape: 2; Side: b; Approx. Time Count: 25.6; Comments: none.}

Ronna Alexander, Montana Petroleum Marketers Association submitted Exhibit #8

{Tape: 2; Side: b; Approx. Time Count: 26.4; Comments: none.}

{Tape: 2; Side: b; Approx. Time Count: ; Comments: flipped tape at the very end.}

Opponents' Testimony: none

Questions From Committee Members and Responses:

{Tape: 3; Side: a; Approx. Time Count: 0.2; Comments: none.}

Closing by Sponsor: Rep. Ed Grady, HD #55

{Tape: 3; Side: a; Approx. Time Count: 14.0; Comments: none.}

EXECUTIVE ACTION ON HB 120

Motion: By Rep. Trexler, DO PASS

{Tape: 3; Side: a; Approx. Time Count: 14.9; Comments: none.}

NATURAL RESOURCE COMMITTEE

ROLL CALL

DATE OF MEETING: 1/22/97

NAME	Yes	No	Comment
Rep. Bill Tash (VC Maj.)	✓		
Rep. Hal Harper (VC Min.)	✓		
Rep. Haley Beaudry	✓		
Rep. Aubyn A. Curtiss	✓		
Rep. Jon Ellingson	✓		
Rep. Doug Mood	✓		
Rep. Karl Ohs	✓		
Rep. Scott J. Orr	✓		
Rep. Bob Raney	✓		
Rep. Trudi Schmidt	✓		
Rep. Robert R. Story, Jr.	✓		excused (presenting) arrived late
Rep. Jay Stovall	✓		
Rep. Emily Swanson			
Rep. Lila V. Taylor	✓		
Rep. Cliff Trexler	✓		
Rep. Carley Tuss	✓		
Rep. Douglas T. Wagner	✓		
Chairman Dick Knox	✓		

Discussion: Rep. Taylor opened the discussion with introducing an amendment, marked **Exhibit #8**. Kathleen Williams explains the proposed amendment (hb0154.01.akw) from Rep. Taylor.

{Tape: 2; Side: a; Approx. Time Count: 9.4; Comments: Exhibit #8.}

Discussion on HB 154 for executive action continued: Rep. Knox asks the subcommittee if they have a report. Rep. Taylor hands out the fact sheet that the subcommittee put together for the Committee, marked as **Exhibit #9**.

{Tape: 2; Side: a; Approx. Time Count: 10.3; Comments: Exhibit #9.}

Subcommittee found that the grass did not produce the amount of native species that the mixture was supposed to produce.

Rep. Harper asks question of Attorney John North and Ms. Lovelace (DEQ) as to whether or not the Department (DEQ) would release bonds even if the vegetation did not meet the criteria.

{Tape: 2; Side: a; Approx. Time Count: 24.0; Comments: none.}

Rep. Taylor, Rep. Story, Rep. Knox, Rep. Stovall, and Rep. Wagner all participate in a dialogue about the "introduced" species.

{Tape: 2; Side: a; Approx. Time Count: 28.5; Comments: none.}

{Tape: 2; Side: b; Approx. Time Count: 0.1; Comments: none.}

Motion/Vote: Question on amendment was called for by Rep. Ohs, voice vote was called for on the amendment, all in favor (18-0) amendment passed

Vote: Vote called for on body of HB 154 as amended, voice vote (18-0), DO PASS as Amended

{Tape: 2; Side: b; Approx. Time Count: 9.0; Comments: HB 154 DO PASS (18-0).}

EXECUTIVE ACTION ON HB 214

Motion: By Rep. Tash; DO PASS

{Tape: 2; Side: b; Approx. Time Count: 9.7; Comments: none.}

Discussion: Rep. Story feels if we start borrowing to carry out mandate to cleanup the tank problem. He realizes that the Board of Investments feels its sound, but it concerns him to go into a borrowing program; hates to see income used to pay back interest on a loan. Not sure that he knows of any other solution.

{Tape: 2; Side: b; Approx. Time Count: 9.8; Comments: none.}

Rep. Raney discusses history of the gas tax and the tank leaking problem. There are two alternatives 1.) Borrow the money to fix

the leaking tanks or 2.) to raise the gas tax 3/4 of a cent. Rep. Raney feels its a better idea to raise the money through a tax.
{Tape: 2; Side: b; Approx. Time Count: 11.3; Comments: none.}

Rep. Tash says he can't vote for a tax increase.

{Tape: 2; Side: b; Approx. Time Count: 15.0; Comments: none.}

Discussion continued on HB 214:Rep. Story has a question for Rep. Raney about how much would it take to raise the money. Jean Riley (Petroleum Release Compensation Board) answered the question, a 1 penny tax would raise 7 million dollars.

{Tape: 2; Side: b; Approx. Time Count: 16.0; Comments: none.}

Rep. Ohs, borrowing option is the most sensible since we don't know how much to borrow. Rep. Beaudry feels the 6.25% interest rate is a very good.

{Tape: 2; Side: b; Approx. Time Count: 18.8; Comments: none.}

Motion/Vote: vote has been called for, individual role call vote, HB 214 DO PASS (14-4)

{Tape: 2; Side: b; Approx. Time Count: 21.5; Comments: none.}

EXECUTIVE ACTION ON HB 225

Exhibit #4 & #5

Rep. Knox mentions to the Committee that they have new information in front of them regarding aboveground storage tanks. Information about population areas and rules.

{Tape: 2; Side: b; Approx. Time Count: 22.0; Comments: Exhibit #4 & #5, supplied by Ronna Alexander, Petroleum Marketers Association.}

Rep. Harper questioned the usage of the word "proper" installation.

{Tape: 2; Side: b; Approx. Time Count: 30.7; Comments: none.}

Motion: Rep. Knox stated that he is going to suspend executive action on this Bill, he would like further clarification from either the Sponsor or the Department



HOUSE STANDING COMMITTEE REPORT

January 28, 1997

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that **House Bill 214** (first reading copy -- white) **do pass**.

Signed: _____

Dick Knox
Dick Knox, Chair

Committee Vote:
Yes 14, No 4.

1128
me
200911SC.HGD

NATURAL RESOURCE COMMITTEE

ROLL CALL VOTE

DATE OF MEETING: 1/27/97

BILL NO. HB 214

MOTION: By Jack ; DO PASS

NAME	Yes	No	
Rep. Bill Tash (VC Maj.)	✓		
Rep. Hal Harper (VC Min.)		✓	
Rep. Haley Beaudry	✓		
Rep. Aubyn A. Curtiss	✓		
Rep. Jon Ellingson	✓		
Rep. Doug Mood	✓		
Rep. Karl Ohs	✓		
Rep. Scott J. Orr	✓		
Rep. Bob Rancy		✓	
Rep. Trudi Schmidt	✓		
Rep. Robert R. Story, Jr.	✓		
Rep. Jay Stovall	✓		
Rep. Emily Swanson	✓		
Rep. Lila V. Taylor	✓		
Rep. Cliff Trexler	✓		
Rep. Carley Tuss		✓	
Rep. Douglas T. Wagner		✓	
Chairman Dick Knox	✓		

Total Vote: 14 Yes 4 No

Decision: _____

Amendments

Motion: amendment accepted _____

vote on amendment: _____

amendment file name: _____

NATURAL RESOURCE COMMITTEE

ROLL CALL

DATE OF MEETING: 1/27/97

NAME	Yes	No	Comment
Rep. Bill Tash (VC Maj.)	✓		
Rep. Hal Harper (VC Min.)	✓		
Rep. Haley Beaudry	✓		
Rep. Aubyn A. Curtiss	✓		
Rep. Jon Ellingson	✓		
Rep. Doug Mood	✓		
Rep. Karl Ohs	✓		
Rep. Scott J. Orr	✓		
Rep. Bob Raney	✓		
Rep. Trudi Schmidt	✓		
Rep. Robert R. Story, Jr.	✓		
Rep. Jay Stovall	✓		
Rep. Emily Swanson	✓		
Rep. Lila V. Taylor	✓		
Rep. Cliff Trexler	✓		
Rep. Carley Tuss	✓		
Rep. Douglas T. Wagner	✓		
Chairman Dick Knox	✓		

EMERSON said that the rules need to get changed right away--not in several months. Maybe something should be done in this bill.

SEN. DEBBIE SHEA asked about the examinations that the boards develop and wondered if the Dept. has any say in this? Mr. Meloy replied that the boards have the discretion on how they are going to examine their applicants. They have been encouraged to utilize testing agencies nationally. SEN. SHEA continued with a question concerning coordination of efforts with those who are administering or developing these tests. Mr. Meloy said yes there is a coordination. They are in contact with those in the field to make sure that what they are asking is germane to certain areas of expertise. Accommodations are made to handle those applicants who do not take written tests well. Oral tests are encouraged if necessary.

Closing by Sponsor:

REP. TUSS closed. Thank you for a good hearing. Standardization is important and this bill is a continuation of HB 518 concerning the due process, the complaint, the appeal, the investigation, etc. I ask the committee to support the bill and the amendments. I would resist other amendments.

{Tape: 1; Side: B; Approx. Time Count: 10:06 AM; Comments: A 12 MINUTE BREAK WAS TAKEN.}

HEARING ON HB 214

Sponsor: REP. ED GRADY, HD 55, CANYON CREEK

Proponents: Jean Riley, Petroleum Tank Release Compensation Board
Denise Mills, Department of Environmental Quality
Ronna Alexander, MT Petroleum Marketeers

Opponents: None

Opening Statement by Sponsor:

REP. ED GRADY, HD 55, CANYON CREEK. I bring you this morning HB 214. This bill authorizes the board to request and receive loans from the Board of Investments. Projections indicate the Petroleum Tank Release Cleanup Fund will reach a zero balance before the next legislative session. The bill keeper of the board could borrow money and will allow the board to continue to reimburse the corrective action costs of petroleum storage tanks which in turn will allow owners to continue with their corrective action on sites. The bill further defines a corrective action which would be reimbursed by the board. It will allow the board to reimburse for corrective action costs associated with petroleum release from an eligible petroleum storage tank even if the contamination is intermingled with non-petroleum waste. The board would determine the costs associated with the petroleum

contamination and only reimburse reasonable costs for petroleum corrective action. This will save the fund money as the board will only be reimbursing reasonable costs for petroleum corrective actions. The bill also allows the board the ability to determine when property damage will be assessed. If the property damage is assessed at the time of the release discovery and before the corrective action is completed, the property damage may be greater than if the damages are assessed at the conclusion of the corrective action. There may be no property damage once the corrective action is completed. This may save the fund money when figuring property damages. With that I will turn it over to the Department to explain it a little further.

Proponents' Testimony:

Jean Riley, Executive Director, Petroleum Release Compensation Board. The Board actually requested HB 214. I will give my testimony and hand in my written copy (EXHIBIT 6).

Denise Mills, Administrative Division, Department of Environmental Quality. The DEQ's interest in this bill is the language provided in section 2 which clarifies the eligibility for reimbursement from the Petroleum Tank Release Fund. The DEQ oversees corrective actions at sites of petroleum storage tank releases as well as remedial actions at other sites under different programs. Without the amendment provided in section 2 the law can be confusing for entities seeking reimbursement from the Board. The DEQ supports HB 214 and has worked with the Board in developing this bill. Thank you.

Ronna Alexander, Petroleum Marketeers Assoc. As you have heard, the Petroleum Tank Release Compensation Board was created by the 1989 Legislature. The Association was responsible for writing and presenting the legislation that created this program. At the time it was critical that some type of fund be established as you have heard the requirements by EPA which the tank owners found impossible to meet. Private insurance was simply not available at any price for those limits. The Association based their legislation upon what other states had done. This industry has vested interest in the program and there is a large responsibility to assure the viability of it now and what happen to it in the future. The 1998 deadline is approaching for those tank upgrades and removals so the fund will see a greater financial demand on it in the next few years. I have handed out a couple of information sheets (EXHIBITS 7 & 8) that I get questions from people. The first is a comparison between states. The second sheet is the status of revenues generated for these types of programs. Several states are moving toward privatizing or sunseting their programs. The industry believes that private insurance is going to become available at some future date. Right now, though, we need to solve the cash flow problem, if you will. The industry feels that HB 214 meets these needs. All three parts of the bill are essential to the continued security of the fund.

Opponents' Testimony: None

Questions From Committee Members and Responses:

SEN. BEA MCCARTHY asked about the repayment of the loan. The response by Ms. Riley was totally unclear to me, the secretary.

SEN. EMERSON asked if they make sure there is enough income to handle the loan that is taken out? Ms. Riley said that presently the amount of money that comes into the fund each year is approximately between \$5.8 and \$6 million. We are looking at loan repayments of \$60,000 for a \$1 million loan.

Closing by Sponsor:

REP. GRADY closed. There are probably 7,000 tanks that still need to be replaced or closed up. You can see that this program has to go on. This bill will keep it solvent and it is a very important bill for our environment. Thank you.

Testimony 214

Petroleum Tank Release Compensation Board
Jean Riley - Executive Director
444-0934

The Petroleum Tank Release Compensation Board (Board) requested House Bill 214. The Board administers the Petroleum Tank Release Cleanup Fund (Fund). The Fund is used by nearly all petroleum storage tank owners and operators as an EPA financial assurance mechanism. Both EPA and the state of Montana require tank owners and operators to have financial assurance. It is projected that the fund will continue to decline and will reach a zero balance if a mechanism is not put in place. The options were to increase the fee on petroleum or request loan authority. There are three parts to this bill 1) to resolve solvency of the Fund, 2) clarify the corrective action language of the statute, and 3) have the legislature establish a policy when third party damages would be assessed. I will explain the three parts of HB214 for the committee.

Sections 1, 3, 4, and 5 concern the loan authority. (Explain the fiscal note in order of bullets)

Section 2 part(a) clarifies how corrective action costs will be reimbursed when there is a release from an eligible petroleum storage tank is co-mingled with another waste stream which is not petroleum. The DEQ approves many corrective action work plans for petroleum and non petroleum products. This bill clarifies that only corrective action plans which relate to eligible petroleum storage tanks will be reimbursed by the Fund.

Section 2 part (b) has the legislature set the policy for when third party property damage is determined and reimbursed. This allows the Board time to evaluate when the damage occurred and when corrected, determine the value of the damage. If the corrective action is completed and the third party property is cleaned up, there may not be a third party damage or loss of property value. Presently there are no guidelines on determining when property damage is to be determined. Property damage may be requested when a release is first discovered and therefore the damage may be inflated.

Thank you for your time. I will be available if you have any questions. ~~If you have questions on the loan process, Dave Ewer, with the Board of Investments, is here to answer questions.~~

STATE OF MONTANA - FISCAL NOTE

197102

Fiscal Note for HB0214, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act revising the funding and cost reimbursement provisions of the petroleum tank release compensation laws; clarifying and imposing limitations on cost reimbursement; authorizing loans by the board of investments^(HB) to the Petroleum Tank Release Compensation Board; pledging the petroleum storage tank cleanup fees for loan repayment.

ASSUMPTIONS:

1. The petroleum storage tank cleanup fee of \$.0075 a gallon will not increase.
- ② EPA requires owners/operators of underground petroleum storage tanks to have at least \$1 million of financial assurance to cover corrective action and damage to third parties for bodily injury and property damage. Nearly all owners/operators in the state of Montana rely on the petroleum tank release cleanup fund (FUND) as a financial assurance mechanism. For the FUND to remain as an EPA approved financial assurance mechanism it must contain a balance of at least \$1 million.
- ③ Underground petroleum storage tanks are required to be upgraded or taken out of service by December 22, 1998. If an underground storage tank is not upgraded by December 22, 1998, it cannot be used and the owner must remove it from the ground or close it in place by December 22, 1999. There are approximately 7,000 petroleum storage tanks registered in Montana that have not been upgraded or taken out of service. Approximately 2,000 tanks will be abandoned leaving 5,000 tanks to be removed, replaced, or closed in place. To date 1,968 tanks have been upgraded or removed.
- ④ Historically each cleanup site has averaged 2.5 tanks; therefore, it is predicted that there are 1,213 potential cleanup sites. Approximately one third of these sites will seek assistance from the FUND for cleanup purposes due to contamination discovered during removal or closure, and these 400 sites will average \$28,000 per site for a total expense of \$11,200,000.
- ⑤ Most petroleum releases are discovered at the time of the upgrade, removal, or closure in place. Historically, reimbursement of corrective action costs are highest for the first three years following release discovery.
- ⑥ Based upon current revenue and expenditure trends, the FUND balance will continue to decline and will fall below \$1,000,000 late in fiscal 1999. In order to (1) protect the financial assurance mechanism required by EPA on behalf of tank owners/operators and (2) insure an adequate FUND balance that will allow for the timely processing of claims against the FUND, low interest loans through BOI, in lieu of a gas tax increase, will be necessary through at least fiscal year 2004.
- ⑦ It is anticipated that the first loan will be requested in May of 1999 based on monthly projections by DEQ for revenues, administrative costs, and reimbursements made to owners/operators. The projections of these expenses is based on an annual inflation rate of 1%. The Legislative Auditor's Office has affirmed the methodology of the projections for when the fund would drop below the \$1,000,000 balance. If the dollar amount of claims approved exceeds the estimated projections, the loan may be needed earlier. No loan repayments will be made in fiscal 1998 or fiscal 1999, based on the projected initial loan date of May 1999.
- ⑧ Loans will only be requested as required to keep the FUND balance above the \$1 million required by EPA and to continue to make reimbursements.
- ⑨ Loan amounts are figured using budgeted administrative costs and the projections for reimbursements to owners/operators of eligible petroleum storage tanks for eligible expenses. DEQ uses \$28,000 as the average site reimbursement amount. However, claim amounts vary greatly (to date the largest site reimbursement was \$761,351). A single large site could significantly change both the amount and the date of the loan. The best information available as of this date indicates that of the \$11,200,000 identified in Assumption #4 the minimum loan would be \$700,000 and the maximum would be \$4,800,000.

(Continued)

Dave Lewis 1-16-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

ED GRADY, PRIMARY SPONSOR DATE

Fiscal Note for HB0214, as introduced

HB 214

ASSUMPTIONS CONTINUED:

- (10) The loan interest rate is estimated at 6.250% based on past history of the BOI Intercep Revolving Program. The term of the loan is 10 years.
- (11) Loans may be necessary through fiscal year 2004. At that time, revenues are projected to exceed expenditures and the loans will be repaid at an accelerated rate.
12. There may be a savings to the FUND with the clarification of reimbursements made for corrective action and third party property damages; however, at this time the savings cannot be projected because the board is unable to predict which potential claims this may affect or the dollar amounts involved.
13. No additional revenues are anticipated by this legislation.

FISCAL IMPACT:

None this biennium.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Counties and cities use the FUND as a financial assurance mechanism. If this bill is passed there will be no effect on the state, county, city, or the public. Without the loan authorization, counties and cities, along with other petroleum storage tank owners/operators, would be required to obtain other financial assurance. That would result in increased expenditures to cities and counties.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The term of the loans is anticipated to be 10 years. The projections indicate revenues will exceed expenditures in fiscal year 2004. For purposes of illustration, if the board borrowed \$700,000 in May of 1999 and paid it back over the full ten years the interest expense at 6.25% would be \$251,929. If the board borrowed the current maximum projected of \$4,800,000 the interest expense for ten years at 6.25% interest would be \$1,727,513.

Beagle ^{Govt} impact

Ram tax increase

Kroy support

61 39

STATE TANK FUND SURVEY 1996

State	Tank Fee \$/year	Fuels fee (per gallon)	Approx. annual revenue	Fund floor (millions)	Fund Ceiling (millions)	Approx. balance (millions)	Pending claims (millions)
AK	\$50-500	approp	\$2	na	na	\$9MM	\$51
AL	150	0.3c	10	57.5	\$10	10.9	1.4
AR	—	0.2c	5.05	12	15	14.8	0.47
AZ	100	1c	23.5	na	na	20.6	34.9
CA	—	0.9-1.2c	160	na	na	160	1,500
CO	35/load	0.3-1.25	18	none	none	3.8	26
CT	—	1/3 ppg	varies	5	15	6.5	13.3
DE	—	0.9c	1.3	na	na	1.3	2.9
FL	50/25	1.9c	160	100	150	10	330
GA	—	0.2c	30	30	50	7	62.4
IA	65	1c (+\$45)	37	na	na	121	0
IL	25/5	1c	7.5	20	30	37	8.3
IN	—	1.1c	62	—	—	12	72
IN	245	0.08c	6.5	—	—	30.2	1.5
KS	—	1c (+\$45)	20.4	2	5	2	0
KY	30	1.4c	36	15	na	83	50
LA	275	0.8c	18	10	20	11	15.8
MA	200	0.5c	16	10	30	36	52
MD	—	—	3	—	—	5.4	0.16
ME	35	0.6-1c	36	125	15	3.5	3
MI	100	0.875c	51	—	—	insolvent	269
MN	—	2c	70	4	na	15	30
MO	100	0.3c	16	8	20	32	27.6
MS	80	0.4c	8.4	6	10	10	0.2
MT	—	0.75c	5.4	4	8	2.5	1.3
NC	150-225	0.25-0.34c	31.5	na	na	40.9	23
ND	125/ust	—	0.64	na	na	5.3	1.1
NE	75	0.01-0.1	7	3	10	0	9
NH	—	0.6c	10.2	—	10	5.5	1.5
NM	—	1c	12	12	50	11	6
NV	50	0.6c	7.2	05	7.5	0.5	6
NY	—	0.09c	16	—	25	15	na
OH	250-400	—	8	15	45	39	12
OK	—	1c	25	13	—	14	1.4
PA	—	1c (+\$250k)	67	na	—	232	28.4
RI	500	1c	4.4	4	8	—	none yet
SC	100	0.5c	13.2	na	na	3.3	0.3
SD	—	1.2c	8	2	50	25	12.5
TN	125	0.4c	18	2	50	27	8
TX	50(ust)	1.2c	130	25	100	93	57
UT	125-250	0.5c (+\$75)	9	—	—	34	3
VA	na	0.6c	20	3	na	4.2	(556 claims)
VT	to 200	1c	4.5	—	—	3.4	0.25
WA	—	0.005%	varies	75	15	33.6	1.6
WI	—	2.4c	84	—	80	73	103
WY	200	1c (+200)	6.5	4	10	44.6	6.3
U.S.			1.27 bill.	321	788	1.3 bill.	2.8 bill.

3-4-97

HB 214

From Alexander

DATE 3-4-97

LUST fund gap exploding

Shortfall of revenue to outstanding claims on state leaking underground storage tank (LUST) cleanup funds grew to a whopping \$1.6 billion last year, more than three times the funding gap in 1995.

Latest survey by state LUST administrators (see chart below) shows total outstanding claims soaring to \$2.8 billion from \$1.5 billion in 1995. In same period, annual fund revenue grew only slightly, to \$1.17 billion, from \$1.04 billion in 1995.

Number of sites with claims rocketed to almost 82,000, from 66,000 in prior year. Third-party damage claims also jumped sharply.

Cleanup payments shot up to a total of \$3.67 billion, from \$2.5 billion in prior year.

Meantime, total LUST sites recorded were over 170,000 and total tank leaks stood at 1.29 million as of 1996 survey.

Disturbing growth in claims to revenue gap could spell big trouble for both marketers and

major.

Reason: Some recent court decisions have held marketers and majors responsible for leaks at tanks they never owned or operated (as Oil Week first reported OW 2/12).

Worry is that budget-strapped states may shift the cost and blame for LUST cleanup onto the backs of anyone with deeper pockets, rather than those with the most tank management responsibility.

To see how your state compares to the nation's other LUST funds, see chart on page 5.

—Jack Peckham

NEWS BRIEFS

House votes for LUST: House agreed to shift \$42 million from Housing and Urban Development budget and give half to leaking underground storage tank (LUST) Trust Fund for tank cleanups. Measure goes to Senate.

State Leaking Underground Storage Tank Cleanup Funds

	1993	1994	1995	1996
Annual revenue	\$904 million	\$1.053 billion	\$1.041 billion	\$1.169 billion
Funds balance	\$811 million	\$1.039 billion	\$1.143 billion	\$1.308 billion
Outstanding claims	-	\$1.374 billion	\$1.5 billion	\$2.8 billion
Tech/finance staff	731	391/158	617/293	596/246
# sites w/ claims	48,296	60,654	66,095	81,879
# sites 3rd-pty claims	108	167	330	458
# claims received	44,406	78,125	113,498	149,129
Total LUST sites				170,254
Total tank leaks				1,292,919
Sites/staff	70	93	74	96
Cleanup payments	\$1.067 billion	\$1.591 billion	\$2.49 billion	\$3.677 billion
Av. cleanup cost/site	\$54,067	\$59,336	\$67,297	\$53,194
Av. cost/site closure				\$35,159
Claim processing	4.1 months	5.5 months	4.5 months	5 months
# prioritizing claims	11 states	14 states	19 states	19 states
3rd-pty administrator	8 states	8 states	11 states	11 states
States w/ funds	43	45	46	45
# funds going private				in 3 years: 4 in 5 years: 1 in 7 years: 2
Claims sunset by 2000				10 states
Sunset after 2000				4

**MONTANA SENATE
1997 LEGISLATURE
BUSINESS AND INDUSTRY COMMITTEE**

ROLL CALL

DATE 3-4-97

[illegible]

SEN:1997
wp.rollcall.man
CS-09

DATE 3-4-97

SENATE COMMITTEE ON Sen Bus + Ind

BILLS BEING HEARD TODAY: HB 164 ; HB 185
HB 214

< ■ >

PLEASE PRINT

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Check One

Name	Representing	Bill No.	Support	Oppose
Cheryl Van Every	Board of RE App	164	X	
Roger Jacobson	" " "	"	X	
Donnell Rose	Board of RE App	164		
Jan A. Ritz	Petro Tech Kellogg Comp Bd	HB 214	X	
Randy Johnson	MT Grain Growers Assn	HB 185	✓	
Robert Bohl	MT Grain Growers Assn	HB 185	✓	
David Hamrin	MT Dental Assoc.	HB 164	✓	
Bonnie Alexander	MT Pet. Marketing	HB 214	X	
Dr Michael Beez/Kamp	Board of alt Health	164	X	
Jim Smikh	MT. Pharm Assn.	164	X	
Mona Jansson	MT. PT. ASSOCIATION MT. Speech/Lang Assn	164	X	
Ralph Fleck	MT Dept of Ag.	185	X	
Beth O'Halloran	State Auditors Office	185	X	
Denise Mills	DEX	214	X	

Kim Andersen

Board of Dentistry
VISITOR REGISTER

164 X

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

Mr. Shanahan and his people can't figure out that the state would do something is amazing to me. I was contacted yesterday and was told that they were going to do something and that is why these amendments were not put into the House committee. There was the problem with the philanthropic issue in the House and I thought that had been taken care of. Now it has popped up again. My recommendation to the committee would be to get all these people to agree and if they can't agree, table the bill.

SEN. EMERSON asked Mr. Soft if we do opt out of the federal law dealing with philanthropies, will the federal government be able to come in and control our dealing with philanthropies here in Montana? Mr. Soft said no.

Closing by Sponsor:

REP. WISEMAN closed. I have fairly well made my closing. And again I apologize for the way this bill has been presented. I hope that you can get all parties to agree. I do think the bill is needed. Thank you for your attention and patience.

{Tape: 2; Side: A; Approx. Time Count: 10:53 AM; Comments: N/A.}

EXECUTIVE ACTION ON HB 185

Motion: SEN. WILLIAM CRISMORE MOVED HB 185 BE CONCURRED IN.

Amendment Motion: SEN. CRISMORE MOVED HB 185 BE AMENDED, hb018501.a12.

Discussion: SEN. BEA MCCARTHY wanted to know why the date was being changed. SEN. STEVE BENEDICT felt that there was some question with coordination between four states, that in order to meet some of these securities requirements it was necessary to make the date earlier. There was also the possibility that the spring crops would have the opportunity to be finished.

Vote: The MOTION to AMEND HB 185 CARRIED UNANIMOUSLY: 6-0

Motion/Vote: SEN. CRISMORE MOVED HB 185 BE CONCURRED IN AS AMENDED. THE MOTION CARRIED UNANIMOUSLY: 6-0

{Tape: 2; Side: A; Approx. Time Count: 10:58 AM; Comments: N/A.}

EXECUTIVE ACTION ON HB 214

Motion/Vote: SEN. BEA MCCARTHY MOVED HB 214 BE CONCURRED IN. THE MOTION CARRIED UNANIMOUSLY. 6-0



SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 6, 1997

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill 214 (third reading copy -- blue), respectfully report that House Bill 214 be concurred in.

Signed: John Hertel
Senator John R. Hertel, Chair

TS Amd. Coord.
GP Sec. of Senate

Senator Pam Bech
Senator Carrying Bill

491204SC.STS